

REMARKS

Claims 1-11 are pending. Claims 1-4, 8, 9, and 11 stand rejected. Claim 11 has been canceled without prejudice or a disclaimer. Claims 1 and 11 are independent claims.

Applicant wishes to thank the Examiner for indicating that claims 2 and 4-10 would be allowed if they are rewritten to overcome the rejections under 35 U.S.C. 112, rewritten as independent claims, and rewritten to include all features of the base and intervening claims. At this time, applicant, however, wishes to defer rewriting claims 2 and 4-10 as an independent claim incorporating all features of its base claim.

Claim 3 has been amended to recite that “optical signals generated from the light source pass through the output waveguide and are output to the input waveguide through the first waveguide.” Support for the amendment can be found at page 10, line 17-20 which indicates that an optical signal emitted from the light source 413 progress toward a communication network via the first output waveguide 111b, the first waveguide 101, and input waveguide 111a.

Claim 7 has been amended to recite that the optical waveguide element further comprises “an input waveguide extending from one end of the first waveguide and enabling optical signals to be input to the direction coupler” and “an output waveguide extending from other end of the first waveguide...” The support for the feature related to “an input guide extending from one end...” can be found in original claim 2 and the support for the feature related to “an output waveguide extending from...” can be found in original claim 3.

Claims 1-4, 8 and 9 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Applicant respectfully submits that the feature a “directional coupler” has been inadvertently added to each of claims 2-4, 8, and 9. Accordingly, applicant has deleted “a directional coupler” from each of claims 2-4, 8, and 9.

Applicant respectfully submits that claims 1-4, 8, and 9, as amended, fully comply with the requirements of 35 U.S.C. 112, second paragraph. As such, applicant respectfully requests removal of the rejections on the claims.

Claim 1 stand rejected under 35 U.S.C. ' 102(b) as allegedly being anticipated by Kurata (U.S. 5,633,962). Claim 1, as amended, recites that the directional coupler of claim 1 contains “a first waveguide and a second waveguide...; a first dummy waveguide...; a reflector...; a second dummy waveguide...”

In rejecting patentability of the present claims, the Office Action indicates that the directional coupler of claim 1 is disclosed by element 40 (present Office Action, page 3, paragraph 5). Applicant respectfully traverses the rejection.

Kurata, as read by applicant, discloses a conventional optical transmitting/receiving apparatus containing a directional coupler (40). However, applicant believes that such directional coupler does not comprise “a first waveguide and a second waveguide...; a first dummy waveguide...; a reflector...; a second dummy waveguide...,” as does the directional coupler recited in claim 1.

Accordingly, applicant does not believe that Kurata teaches a directional coupler comprising “a first waveguide and a second waveguide...; a first dummy waveguide...; a reflector...; a second dummy waveguide...,” as recited in claim 1, nor does Kurata anticipate claim 1. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. ' 102(b) rejection on claim 1 over Kurata.

Claim 1 also stands rejected under 35 U.S.C. '102(b) as allegedly being anticipated by Kitamura (6,480,647). Claim 1 recites, *inter alia*, “a second dummy waveguide located adjacent to the first dummy waveguide for mode coupling...”

In rejecting patentability of the above feature, the Office Action indicates that Kurata anticipates the second dummy waveguide, as recited in claim 1, with its second optical waveguide 11 (present Office Action, page 4, paragraph 6). Applicant respectfully traverses the rejection.

Kurata, as read by applicant, is simply examples of conventional art disclosed in the background of the present application. Moreover, nowhere does Kurata disclose that the second optical waveguide 11 is adjacent to the first dummy waveguide for mode coupling. Instead, Kurata discloses that a first optical signal traveling from the first optical waveguide 10 reflected by the filter 8 and cross over to the second optical waveguide 11 (column 7, line 3-6; see also Figure 4). Meanwhile, a second optical signal traveling from the second optical waveguide 11 reaches the filter 8 and transmits through the filter (Id.).

Therefore, no coupling occurs between the first and second optical waveguides, and Kurata does not show or anticipate “a second dummy waveguide located adjacent to the first dummy waveguide for mode coupling,” as recited in claim 1. Applicant, therefore, believes that Kurata does not anticipate claim 1. Applicant respectfully requests reconsideration and withdrawal of the rejection on claim 1.

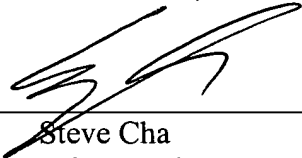
Other claims in this application are each dependent on the independent claims 1 and 11 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Amendment
Serial No. 10/692,343

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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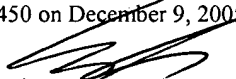
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